UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

WEB TELEPHONY, LLC., an Illinois corporation, Plaintiff, vs. Verizon Communications, Inc., et al. Defendants.	CASE NO. 2:07-CV-85 (DF) **JURY DEMANDED**

PLAINTIFF AND COUNTER-DEFENDANT WEB TELEPHONY, LLC'S REPLY TO FIRST AMENDED COUNTERCLAIMS OF EARTHLINK, INC.

Plaintiff and Counter-Defendant, Web Telephony, LLC ("Web Telephony") hereby answers the amended counterclaims of Defendant EarthLink, Inc. ("EarthLink"). The paragraphs in this reply are numbered to correspond with the paragraph numbers in EarthLink's counterclaims; accordingly, the first numbered paragraph is number 1. All of the allegations of the counterclaims not specifically admitted herein are specifically denied.

Answer to Counterclaims

Nature of Action

1. Web Telephony admits that EarthLink seeks a declaratory judgment that the claims of the '694 Patent and the '266 Patent are not and have not been infringed by EarthLink and that the claims of the '694 Patent and the '266 Patent are invalid, void, or unenforceable.

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Jurisdiction and Venue

2. Web Telephony admits the allegations contained in paragraph 2 of EarthLink's counterclaims.

3. Web Telephony admits the allegations contained in paragraph 3 of EarthLink's counterclaims.

Parties

4. Web Telephony admits the allegations contained in paragraph 4 of EarthLink's counterclaims.

5. Web Telephony admits the allegations contained in paragraph 5 of EarthLink's counterclaims.

6. Web Telephony admits the allegations contained in paragraph 6 of EarthLink's counterclaims.

Background

7. Web Telephony admits the allegations contained in paragraph 7 of EarthLink's counterclaims.

8. Web Telephony admits the allegations contained in paragraph 8 of EarthLink's counterclaims.

9. Web Telephony admits the allegations contained in paragraph 9 of EarthLink's counterclaims.

10. Web Telephony admits the allegations contained in paragraph 10 of EarthLink's counterclaims.

11. Web Telephony admits the allegations contained in paragraph 11 of EarthLink's counterclaims.

Count I:

12. Web Telephony incorporates by references its response to the allegations of paragraphs 1 through 11 of EarthLink's Counterclaims. Except as expressly admitted, Web Telephony denies each of the allegations of paragraph 12.

13. Web Telephony admits the allegations contained in paragraph 13 of EarthLink's counterclaims.

14. Web Telephony denies the allegations contained in paragraph 14 of EarthLink's counterclaims.

15. Web Telephony admits that EarthLink seeks a declaration that it does not directly infringe, has not induced the infringement of, and has not contributed to the infringement of any valid claims of the '694 and the '266 Patent, either literally or under the doctrine of equivalents.

Count II:

16. Web Telephony incorporates by references its response to the allegations of paragraphs 1 through 15 of EarthLink's Counterclaims. Except as expressly admitted, Web Telephony denies each of the allegations of paragraph 16.

17. Web Telephony denies the allegations contained in paragraph 17 of EarthLink's counterclaims.

18. Web Telephony admits that EarthLink seeks a declaration that the claims of the '694 Patent and the '266 Patent are invalid, void, and/or unenforceable.

Jury Demand

Plaintiff and Counterdefendant Web Telephony demands trial by jury of all issues.

Prayer for Relief.

Web Telephony denies that EarthLink is entitled to the relief it seeks or any relief for the allegations made in its counterclaims.

Dated: July 5, 2007

Respectfully submitted,

By: /s/ Elizabeth L. DeRieux

S. Calvin Capshaw
State Bar No. 03783900
Email: ccapshaw@mailbmc.com
Elizabeth L. DeRieux
State Bar No. 05770585
Email: ederieux@mailbmc.com
Brown McCarroll, L.L.P.
1127 Judson Road, Suite 220
Longview, TX 75601
Telephone: (903) 236-9800
Facsimile: (903) 236-8787

Robert Christopher Bunt
State Bar No. 00787165
Email: rcbunt@pbatyler.com
Robert M Parker
State Bar No. 15498000
Email: rmparker@pbatyler.com
Parker, Bunt, & Ainsworth, P.C.
100 East Ferguson, Ste. 1114
Tyler, TX 75702
Telephone: 903/531-3535
Facsimile: 903/533-9687
Of Counsel:

Gregory S. Dovel
State Bar No. 135387
Sean A. Luner
State Bar No. 165443
Dovel & Luner, LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, CA 90401
Telephone: 310-656-7066
Facsimile: 310-657-7069
Email: greg@dovellaw.com

ATTORNEYS FOR PLAINTIFF,
WEB TELEPHONY, LLC.

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 5th day of July, 2007, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/Elizabeth L. DeRieux
Elizabeth L. DeRieux

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